

### REMARKS

Claims 5 to 10 are now pending.

Reconsideration is respectfully requested based on the following.

Claims 5 to 10 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Takaya et al., U.S. Patent Number 5,497,327.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

With respect to paragraph three (3) of the Office Action, claims 5 to 10 were rejected as being unpatentable in view of the Takaya reference. Claim 5 relates to a method for triggering a restraint device which comprises triggering the restraint device as a function of a collision signal and initiating the triggering when the collision signal exceeds a noise threshold wherein a time required for the collision signal to exceed the noise threshold is taken into account in determining a triggering time for the restraint device.

As to claim 5, and the Office Action's assertions as to the Abstract (column 5, line 4 to column 6, line 3) and Figures 6 and 7 of the Takaya reference, the cited text and Figures do not identically disclose (nor suggest) the feature of initiating the triggering when the collision signal exceeds a noise threshold wherein a time required for the collision signal to exceed the noise threshold is taken into account in determining a triggering time for the restraint device, as provided for in the context of claim 5. The cited text in the abstract and Figures of the applied reference merely refer to initiating an activating process when the deceleration signal exceeds a threshold level (**G0**), then timing a timer (**T**) until the integrated value of the deceleration signal exceeds another threshold value (**S0**) (*see* the Takaya reference, column 5, lines 40 to 64), and then determining an operating timing of the restraint system in terms of the timed time (**T**) (*see* the Takaya reference, column 5, line 65 to column 6 line 8).

The triggering in the cited reference simply does not take into account the time required for the collision signal to exceed the noise threshold because the *time required for the collision signal to exceed a collision threshold* as in claim 5 is not related to the *time needed for the integration value of the collision signal to exceed another threshold after the collision has already exceeded a collision threshold* in the applied reference. Accordingly, the cited sections and figures of the Takay reference do not identically disclose (or even suggest) the above-discussed features of claim 5.

Accordingly, claim 5, as presented, is allowable, as are its dependent claims 6 to 10. Withdrawal of the anticipation rejections of claims 6 to 10 is therefore respectfully requested.

In sum, all pending claims are allowable.

#### **CONCLUSION**

In view of the foregoing, claims 5 to 10 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

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Respectfully submitted,

KENYON & KENYON LLP

By: 

Gerard A. Messina  
(Reg. No. 35,952)

One Broadway  
New York, NY 10004  
(212) 425-7200

CUSTOMER NO. 26646